
ALCOHOL AND TOBACCO COMMISSION

Nonrule Policy ATC-013

1. NOTICE: Under [IC 4-22-7-7](#), this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Alcohol and Tobacco Commission's (ATC) official position concerning a specific issue.

2. DISCLAIMER: This nonrule policy is being established by the ATC consistent with its authority under [IC 7.1-2-3-2](#) and [IC 7.1-2-3-31](#). It is intended solely as guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules and laws, and, if it conflicts with these rules or laws, the rules or laws shall control.

3. AUTHORIZED: Alex D. Huskey, Chairman

4. SUPERSEDES: New

5. SUBJECT: The purpose of this nonrule policy is to implement a uniform procedure for approving amended floor plans of retail permit holders by the ATC.

6. SCOPE: Retail permit holders may amend floor plans subject to review and approval by the Indiana State Excise Police (ISEP).

7. POLICY:

7.1 Every retail permit holder must submit a floor plan of the premises to the ATC.

7.1.1 The floor plan delineates where, among other things, the bar service area is, where minors may not be present, and where there is separation between "family dining" areas and "adult only" areas.

7.1.2 At any time the permit holder changes its floor plan, it must submit to the ATC a request for review and approval of the amended floor plan by the ISEP.

7.1.2.1 Changes to a floor plan include (in a nonexhaustive list) changes to ingress, egress, spatial layout of barroom, access to barroom by minors, change in limited separation of family room and barroom, and changes in spatial placement of alcohol service locations.

7.2 A consumer is a person who buys alcoholic beverages from a retailer for consumption on the permit premises.

7.2.1 A consumer is not a member of a tier in the three tier alcoholic beverage system.

7.3 A staff member of a retail permit holder shall only complete transactions for the service of alcoholic beverages.

7.3.1 A staff member includes server, bartender, or manager.

7.3.2 A staff member must hold a valid Indiana ATC Employee Permit to serve alcoholic beverages.

7.4 A beer retailer may sell alcoholic beverages to consumers for consumption on the licensed premises. [IC 7.1-3-4-6](#).

7.5 A beer-dispensing table is a free-standing table that contains not more than two kegs of beer.

7.5.1 A beer-dispensing table is controlled by computer and may only be turned on, turned off, and restarted by a staff member of a retail permit holder.

7.5.2 A beer-dispensing table only dispenses a limited quantity of beer per person before the machine turns off.

7.5.3 A beer-dispensing table may be restarted to provide a second service of the same limited quantity of beer per person.

7.6 A beer retailer seeking to introduce a beer-dispensing table must amend its existing floor plan as it is offering a new point of alcohol service.

7.7 A beer retailer must submit its proposed amended floor plan to ISEP for approval prior to deploying a beer-dispensing table.

7.8 ISEP shall approve an amended floor plan that features a beer-dispensing table only if the beer retailer evinces compliance with the following policies:

7.8.1 A beer-dispensing table shall only be activated by a staff member.

7.8.1.1 A staff member shall conduct a visual inspection of the identification of all consumers present at the beer-dispensing table regardless of whether they have placed an order from the beer-dispensing table.

7.8.1.2 A staff member shall conduct a visual inspection of the identification of all consumers that are present at the beer-dispensing table after activation.

- 7.8.2 A beer-dispensing table shall only be reactivated by a staff member.
- 7.8.2.1 A staff member must conduct an in-person visual inspection of the patrons at the beer-dispensing table to determine if any are exhibiting symptoms of intoxication prior to reactivating the beer-dispensing table.
- 7.8.2.2 A staff member must remove from participation in the beer-dispensing table any consumer exhibiting signs of intoxication or shall turn off the beer-dispensing table in the event that any consumer refuses to cease participation.
- 7.8.3 The beer retail permit holder may not alter in anyway the technical specifications of the beer-dispensing table to increase the quantity dispensed per person or the duration of time in which the beer-dispensing table may operate before self-shutoff.
- 7.8.4 The beer retail permit holder must allow any type of beer to be served from the beer-dispensing table and may not provide preference to any particular manufacturer in a way that would evince an inducement to purchase one manufacturer's product over another.
- 7.8.5 The beer retailer may not allow access by minors to the beer-dispensing tables either by placing them outside the barroom or by placing them in any area accessible by minors.
- 7.9 An ISEP officer may deny a proposed amended floor plan if the beer retailer fails to evince compliance with these or any of Indiana's alcoholic beverage statutes, rules, or policies.
- 7.9.1 ISEP must state the reasons why the amended floor plan is denied in writing.
- 7.10 A beer retailer may request a reconsideration of the denial in writing to the ATC not less than 15 days after denial by the ISEP officer.
- 7.10.1 The request for reconsideration must state:
 - 7.10.1.1 The beer retailer's permit number, permit premises address, and permit holder's name.
 - 7.10.1.2 The original request of ISEP officers.
 - 7.10.1.3 The original floor plan on file with the ATC.
 - 7.10.1.4 The proposed amended floor plan.
 - 7.10.1.5 The stated reason for ISEP's denial of the amended floor plan.
 - 7.10.1.6 A request for reconsideration and the reasons for reconsideration.
- 7.10.2 A response from the ATC shall be issued no less than 30 days after receipt of the request for reconsideration.

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